

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

House Bill 684  
Ways and Means

(Delegate Luedtke)

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Tobacco-Free Schools Act

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This bill prohibits an individual from using a tobacco product at any time inside a school building or a school bus. During regular school hours, an individual is prohibited from using a tobacco product on school grounds. Outside of regular school hours, an individual is prohibited from using a tobacco product on school grounds when children younger than 18 are present. An employee or volunteer of a local school system, a public charter school, or a private school is prohibited from using tobacco products at an off-campus, school-sponsored event in the presence of students. An individual who violates the bill must receive a warning and verbal notification of the policy for a first offense, and is subject to a civil penalty of \$100 for each violation for a second or subsequent offense. The Maryland State Department of Education (MSDE) must adopt regulations to implement the bill.

The bill takes effect July 1, 2013.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues beginning in FY 2014 due to the bill's civil penalty provision. Because public schools are already generally required, by State law and regulations, to maintain a tobacco-free environment (and given that the bill requires that a warning be given for a first offense) the amount of fine revenues collected under the bill is not expected to be significant. MSDE can use existing resources to adopt the required regulations.

**Local Effect:** Local school systems can use existing resources to enforce the bill. Local government revenues are not affected.

**Small Business Effect:** Minimal. Private schools that are small businesses may incur minimal costs to post signs to implement the bill's requirements.

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## Analysis

**Bill Summary:** The bill defines “tobacco” as any product derived from the tobacco plant that is smoked, chewed, sniffed, or otherwise consumed. “Tobacco” does not include (1) nicotine replacement therapy; or (2) a tobacco product used for demonstration purposes in anti-smoking or drug education classes.

School includes a local public school, a public charter school, or a private school.

**Current Law/Background:** State regulations require each local school system to maintain a tobacco-free school environment. “Tobacco” is defined as a product derived from the tobacco plant that is smoked, chewed, sniffed, or otherwise consumed. “Tobacco” does not include nicotine replacement therapy. The sale or use of tobacco in any form is prohibited (1) in public school buildings at all times; and (2) on public school grounds during the official school day. Each local school system must post notification to students, staff, and the general public that public school buildings and grounds are tobacco free.

State law and regulations generally prohibit the smoking of tobacco products on public modes of transportation, in government buildings, and in the workplace. The Clean Indoor Air Act (Chapters 501 and 502 of 2007, SB 91/HB 359) generally prohibits smoking in restaurants and bars, other indoor areas open to the public, and private vehicles that are being used for the public transportation of children.

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## Additional Information

**Prior Introductions:** Similar legislation has been considered in prior sessions.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Department of Health and Mental Hygiene; Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2013  
ncs/rhh

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